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## UNITED STATES DISTRICT COURT

## NORTHERN DISTRICT OF TEXAS

## FORT WORTH DIVISION

4-25 CV-621-P

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**UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES – JANE  
DOE,**

Plaintiff,

v.

**JOHN DOE,**

Defendant.

**Civil Action No.** \_\_\_\_\_

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**COMPLAINT AND REQUEST FOR JURY TRIAL**

Plaintiff, by and through undersigned counsel, brings this Complaint against Defendant John Doe and alleges as follows:

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**I. JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346(b)(1) (Federal Tort Claims Act), and 5 U.S.C. § 7703 (Civil Service Reform Act).
  2. Venue is proper in the Northern District of Texas, Fort Worth Division, under 28 U.S.C. § 1391(e), as a substantial portion of the events and omissions giving rise to this claim occurred in this District, and Plaintiff worked and resided here at all relevant times.
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## II. PARTIES

3. Plaintiff *Jane Doe*, an employee of the United States Department of Health and Human Services (HHS), is currently on medical leave approved under the Federal Employees' Compensation Act (FECA). At all times relevant, Plaintiff was employed at HHS and performed her duties diligently.
  4. Defendant *John Doe* is a **former** supervisor or managerial official employed by the United States Government, sued in his official and/or individual capacity for actions taken within the scope of his employment that caused harm to Plaintiff.
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## III. FACTUAL ALLEGATIONS

5. On or about June 15, 2023, Plaintiff sustained a medically documented orthopedic injury in the course of federal employment. In addition, at a much later date and time, OWCP previously accepted her stress-related injury as compensable under FECA and backdated plaintiff's OWCP claim to be effective on 10/11/21.
6. Plaintiff had repeatedly notified Defendant and relevant agency officials of her deteriorating health, the need for medical leave, and requested workplace accommodations. Despite these efforts, Plaintiff was denied protection, subjected to retaliation, and removed from the worksite without appropriate process or support.
7. Defendant failed to adhere to statutory duties under 5 U.S.C. § 8122, 20 C.F.R. §§ 10.100-10.101, and 5 U.S.C. § 8124(a), which mandates federal government agency personnel to file timely OWCP injury notices and further requires OWCP to issue timely findings, and 20 C.F.R. § 10.121, which mandates written notice of evidence gaps and reasonable time to respond.

8. Defendants' acts and omissions led to a loss of over 526 workdays, delayed access to healthcare, financial distress, and serious emotional and physical harm.
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#### **IV. CAUSES OF ACTION**

##### **Count I – Negligence under the Federal Tort Claims Act (FTCA)**

##### **28 U.S.C. § 1346(b); §§ 2671–2680**

9. Defendant failed to take reasonable steps to accommodate Plaintiff, investigate her complaints, and prevent foreseeable injury, constituting negligence under the FTCA.

*See Sheridan v. United States*, 487 U.S. 392 (1988); *Richards v. United States*, 369 U.S. 1 (1962).

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##### **Count II – Disability Discrimination under the Rehabilitation Act**

##### **29 U.S.C. § 794**

10. Plaintiff is a qualified individual with a disability who was denied reasonable accommodations and subjected to adverse action. Defendant's conduct violated the Rehabilitation Act.

*See Doe v. Potter*, No. 4:20-cv-00791-O (N.D. Tex. 2020); *Cavada v. McHugh*, 732 F. Supp. 2d 133 (D.D.C. 2010).

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**Count III – Violation of Due Process under the Fifth Amendment**

**U.S. Const. amend. V**

11. Plaintiff had a protected property interest in continued employment, medical leave, and benefits. Defendant deprived her of these rights without notice or due process.

*See Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532 (1985); *Board of Regents v. Roth*, 408 U.S. 564 (1972).

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**Count IV – Injunctive and Declaratory Relief**

**Federal Rules of Civil Procedure Rule 65**

12. Plaintiff seeks injunctive relief to prohibit further retaliation, require policy compliance, and restore her employment rights under applicable federal law.

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**V. REQUEST FOR JURY TRIAL**

**Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff respectfully demands a trial by jury on all issues so triable.**

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**VI. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court:

- **A.** Award compensatory damages for lost wages, medical expenses, and emotional distress;
- **B.** Declare that Defendant violated Plaintiff's rights under the FTCA, Rehabilitation Act, and U.S. Constitution;
- **C.** Grant preliminary and permanent injunctive relief;

- **D.** Award attorneys' fees and litigation costs under 29 U.S.C. § 794a;
  - **E.** Permit continued use of a pseudonym (Jane Doe) for privacy and medical reasons;
  - **F.** Grant any further relief the Court deems just and proper.
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**Respectfully submitted,**

**/s/ Jane Doe**

**Plaintiff**

**Plaintiff's Counsel: TBD**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

United States Department of Health and Human  
Services. Jane Doe

(b) County of Residence of First Listed Plaintiff **Tarrant**  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
**TBD**

**DEFENDANTS**

John Doe

County of Residence of First Listed Defendant **District of Columbia**  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

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**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input checked="" type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>INTELLECTUAL PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from Another District (specify)  
☐ 6 Multidistrict Litigation - Transfer  
☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
**28 U.S.C. § 1346(b); §§ 2671–2680; 29 U.S.C. § 794; U.S. Const. amend. V; Federal Rules of Civil Procedure Rule 65**

Brief description of cause:

**Negligence under the Federal Tort Claims Act (FTCA); Violation of Due Process under the Fifth Amendment; Disability Discrimination;**

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$  
**TBD**

CHECK YES only if demanded in complaint:  
**JURY DEMAND:** ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

06/15/25

SIGNATURE OF ATTORNEY OF RECORD

/s/ Jane Doe

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE